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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,413	07/29/1999	ADDISON M. FISCHER	264-169	8101
23117 7590 10/17/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER AVERY, JEREMIAH L	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/363,413

Applicant(s)

FISCHER ET AL.

Examiner

Jeremiah Avery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-70, 83-89, 109-122 and 124-130 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 101, 103, 123 and 131 is/are allowed.
- 6) ☒ Claim(s) 57-70, 83-89, 109-122 and 124-130 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 57-70, 83-89, 109-122 and 124-130 have been examined.
2. Claims 101, 103, 123 and 131 were indicated as containing allowable subject matter.
3. Responses to Applicant's remarks have been given.

Allowable Subject Matter

1. The following is a statement of reasons for the indication of allowable subject matter: As per the previous Examiner's statement within the Office Action mailed on 02/06/07, claims 101, 103, 123 and 131 were considered to be containing allowable subject matter and would be allowable, pending said claims being rewritten into independent form.
2. The allowable subject matter referred to in the previous office action is "wherein the first and second devices are devices which may be inserted into a standard tape player having a plurality of conventional user controls".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 57-70, 83-89, 109-122, 124-130 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,418,421 to Hurtado et al., hereinafter Hurtado.

3. As per claims 57, 83, 109, 124, Hurtado et al. discloses a method of transferring authorization to render protected electronic content from a first device) to a second device, having a device cryptographic key, receiving a transfer authorization request having an indicator of the first device (Figure 1D, column 6, lines 3-36 and column 13, lines 10-20), and indicator of the second device, and an indicator of the protected electronic content (column 13, lines 40-58);
updating a first device history table to indicate that the first device is not authorized to render the protected electronic content and updating a second device history table to indicate the second device is authorized to render the protected electronic content based on the received transfer authorization request (column 18, lines 53-67 and column 19, lines 1-18);
and communicating a transfer authorization response having an indicator of the second device, an indicator of the protected electronic content, and a content cryptographic key for the protected electronic content protect using the device cryptographic key of the second device so that only the second device may gain access to the content cryptographic key by use of the device cryptographic key of the second device (column 16, lines 41-67).
4. As per claims 58, 110, 125, Hurtado discloses wherein the device cryptographic key of the second device is a symmetric key (column 15, lines 33-43).

5. As per claims 59, 111, Hurtado discloses wherein the device cryptographic key of the second device is a DES key (column 15, lines 44-49).
6. As per claims 60, 112, 126, Hurtado discloses wherein the device cryptographic key of the second device is a public key having a corresponding private key stored with the second device, and protecting the content cryptographic key using the device cryptographic key of the second device includes protecting the content cryptographic key with the public key such that the second device may use the corresponding private key to gain access to the content cryptographic key (column 16, lines 41-67).
7. As per claims 61, 113, Hurtado discloses wherein the public key is an RSA public key and the private key is an RSA private key (column 16, lines 26-31).
8. As per claims 62, 114, 127, Hurtado discloses wherein the content cryptographic key is a symmetric key, which is used to encrypt the protected electronic content such that only the symmetric key can be used to decrypt the content (column 46, lines 30-65).
9. As per claims 63, 115, 128, Hurtado discloses receiving payment authorization information associated with the transfer authorization request, and charging a service fee based on the payment authorization information (column 49, lines 27-47).
10. As per claims 64, 116, Hurtado discloses wherein updating the first device history table includes removing a stored indicator of the protected electronic content from the first device history table (column 71, lines 49-62).

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11. As per claims 65, 117, Hurtado discloses wherein the updating the first device history table includes adding indicia that the protected electronic content is no longer authorized for the first device (column 76, lines 43-60).

12. As per claims 66, 118, Hurtado discloses wherein the protected electronic content is audio content (column 75, lines 30-38).

13. As per claims 67, 119, Hurtado discloses wherein the protected electronic content is video content (column 83, lines 7-19, column 85, lines 65-67 and column 86, lines 1-8).

14. As per claims 68, 120, Hurtado discloses wherein the protected electronic content is electronic written content (column 88, lines 61-67).

15. As per claims 69, 121, 129, Hurtado discloses wherein the indicator of the first device in the transfer authorization request is a unique serial number (column 75, lines 60-67 and column 76, lines 1-12).

16. As per claims 70, 122, 130, Hurtado discloses verifying that the first device is authorized to render the protected electronic content (column 6, lines 3-36).

Response to Arguments

17. Applicant's arguments, see page 16, filed 07/05/07, with respect to the objections to claims 101, 103, 123 and 131 have been fully considered and are persuasive. The objections to claims 101, 103, 123 and 131 has been withdrawn.

18. Applicant's arguments filed 07/05/07 have been fully considered but they are not persuasive. With regards to the claim language "receiving a transfer authorization request having an indicator of the first device", the Examiner maintains the above-cited

grounds of rejection, in particular but not limited to column 13, lines 10-20, "Once an Electronic Digital Content Store(s) 103 completes a valid request for electronic Content 113 from an End-User(s), the Electronic Digital Content Store(s) 103 is responsible for authorizing the Clearinghouse(s) 105 to release the decryption key fro the Content 113 to the customer."

19. Pertaining to claims 65 and 117, the Examiner maintains the above-cited grounds of rejection. As disclosed by Hurtado, "Electronic Digital Content Store(s) 103 also attaches its own Usage Conditions called Store Usage Conditions 519 or purchase options to the Offer SC(s) 641. This can be accomplished interactively or automatically through a set of defaults. If configured to be processed interactively, the Electronic Digital Content Store(s) 103 is prompted with the set of permitted object Usage Conditions 517 as defined by the Content Provider(s) 101. He then selects the option(s) he wishes to offer to his customers. These now become the new Usage Conditions or Store Usage Conditions 519. To process automatically, the Electronic Digital Content Store(s) 103 configures a set of default purchase options to be offered for all Content 113. These default options are automatically checked against the permitted Usage Conditions 517 defined by the Content Provider(s) 101 and is set in the Offer SC(s) 641 if there are no discrepancies." The "indicia" as claimed by the Applicant is broadly interpreted by the Examiner to pertain to the "new Usage Conditions or Store Usage Conditions" as disclosed by Hurtado.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. The following United States Patent is cited to further show the state of the art with securing multimedia data, such as:

United States Patent No. 5,754,648 to Ryan, et al., which is cited to show a video media security and tracking system.

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

23. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremiah Avery whose telephone number is (571) 272-8627. The examiner can normally be reached on Monday thru Friday 8:30am-5pm.

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25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLA



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